ZB# 72-17

Irwin & Sheldon Liss

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Ricewed 19/39/72 1130 P.M

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PUBLIC NOTICE OF HEARING

ZONING: BOARD OF APPEALS

ZONING: BOARD OF APPEALS

PLEASE TAKE KINOTICE that
the Zoning Board of Appeals of
the Townsor New Windsor; New
York will a notid as public hearing
pursuant io. Section 48-33 A of, the
Zoning: Yordinance on the following proposition:

APPEAL NO 17

Requests of it win Lisas and
Sheldon of Lisas of a Variance
of the regulations of the Zoning Ordinance to permit bulleing sud-operating a tice service facility the lings of the Zoning ordinance to permit bulleing sud-operating a tice service facility the lings of the Zoning sud-operating a tice service facility to the proposition of the Conservice of Article of the Conservice of the

State of New York County of Orange, ss:

Hugh V. Nocton , be says that he is Princip	eing duly sworn deposes and clerk of Newburgh
	blisher of The Evening News.
a daily newspaper published	dand of general circulation in
	Dutchess, and that the notice
	ue copy was published
in said newspaper, commendate September	cing on theday of A.D., 19 ⁷² , and ending on
the 2nd day of	September A.D., 19 72

Subscribed and sworn to before me this

6th day of September 19 72

Weedne

Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1974

Adopted 12/20/65 To: Orange G. Planning Dept.
Application for Variance

			Application No Date:	72-17		
TO '	THE	E ZONING BOARD OF APPEALS OF TH Irwin Liss	E TOWN OF NEW V			
I (V	We)		(Street & Number			
***************************************		Middletown	New York (State)	HEREBY MAKE		
APP	LIC	CATION FOR A VARIANCE: Intersection of T	'emple Hill Road and	l Hempstead Street in		
Α.	Lo	cation of the Property the Town of New (Street & Number)	Windsor, Orange Co			
	sub	rovision of the Zoning Ordinance Applicable: (Indicate the article, section, ub-section and paragraph of the Zoning Ordinance applicable, by number. Do ot quote the ordinance.) Section 48-13				
C.		TE: NECESSARY FINDINGS: Before a Appeals must find all of the following c				
		Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: land not large enough for industrial use; inadequate				
		sewage available for industrial use; present location of applicants' business				
		not large enough for proper conduct of	f same.			
	2.	Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structure or buildings in the same zone because: Provisions of Ordinance do not permit commercial establishments; type of operation is compatible with other business				
		operations in the area in question; over consist of a wholesale-industrially or hearing.	er two-thirds of appl	licants' business will		
	3.	The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because:				

4.	Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: Area in question is basically industrial-commercial and Crowley Milk across Hempstead Road is a retail-wholesale commercial operation. It is believed that Coca Cola operation is basically industrial storage.				
5.	Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: See Rider attached				
D.	Describe in detail how the property is to be used and submit plans or sketches in duplicate.				
	Property in question will be used primarily for wholesale sales and servicing of				
	tires and accessories and retail sales incidental thereto and is somewhat industrial				
	in nature in that major industrial users in the area require servicing of vehicles				
	necessary for operation of industrial complexes. Plans and sketches attached.				
Ε.	Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.				
F.	NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.				
G.	If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 l&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.				
Dat	- two /un				
CO	Signature of Applicant RWHY LISS ATE OF NEW YORK) SS.: JNTY OF ORANGE) worn to on this 24% day of August , 1972 .				
	PATRICIA DELIO Notary Public, State of New York Appointe(INOTETRY of Months) My Commission expires Mar 30, 1970 Address Telephone Number				
	(DO NOT WRITE IN THIS SPACE)				
Dat	e of Decision 1.1 Date Received 1.1 Notice Published 9/2/12				
DE	CISION: (Uppwred)				

RIDER

Application for Variance Page 2, item 5.

It is the contention of the applicants herein that their proposed installation and operation on premises in question is in fact in the nature of an industrially oriented business operation in that services rendered and materials furnished will consist of, to a great degree, the installation of various types of equipment including shock absorbers, rebuilding and realignment of front ends of vehicles, wheels and other parts of undercarriages of large commercial tractors and trailers, the repairing and replacement of tires and wheels. Many of the vehicles to be services presently provide and will in the future provide much needed transportation for industrial complexes in the greater New Windsor area.

The building to be constructed will aesthetically be compatible with the other industrial buildings in the area and the use thereof will not hinder the industrial operations in adjoining buildings but will in effect provide for such industrial complex, a much needed service for the many vehicles that will be serving such complex on both a regular and emergency basis.

The proposed operation will not create any pollution of air or water facilities and will not require a major quantity of water for its operation. The applicants will comply with all requirements of the Planning Board of the Town of New Windsor and applicable statutes in the construction and maintenance of the land and buildings and in their business operation.

JEROME MARKOVITS Counselor,at Law

15 KING STREET Middlotown, Now York 10940 Tel. (914) 342-3945

August 30, 1972

Patricia Delio, Secretary Zoning Board of Appeals Town of New Windsor 7 Franklin Avenue New Windsor, New York 12550

> Re: Application for Variance Al's Tire Service - Lass

Dear Ms. Delio:

Enclosed herewith please find application in the above matter together with two checks in the sum of \$25.00 each, one payable to Patricia Delio, Secretary, and the other payable to Town of New Windsor Zoning Board of Appeals. Also enclosed please find public notice setting date of hearing for September 12, 1972, at 8:00 P.M.

In addition, I am forwarding this date, the required letters to persons within five hundred (500) feet of the property in question and enclose herewith copy of Assessor's list of said persons. I will shortly furnish to you affidavit of mailing and return receipts when received.

I have this date forwarded to the Orange County Planning Department a copy of application.

ery t**y**uly yours

JEROME MARKOVITS

JM:dbo Enclosures

JUDELSON, ROSEN & SOMMERSTEIN

CERTIFIED PUBLIC ACCOUNTANTS
MIDDLETOWN SAVINGS SANK BUILDING
4 SOUTH STREET - MIDDLETOWN, N.Y 10940

JACK JUDELSON, C P A MURRAY M ROSEN, C. P A. MAX SOMMERSTEIN, C P A.

PHONE (914) 342-1046

August 24, 1972

MR. FRED WYGANT, JR., CHAIRMAN TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS FORGE HILL ROAD NEW WINDSOR, N. Y. 12550

RE: AL'S TIRE SERVICE OF MIDDLETOWN, INC.

GENTLEMEN:

AT THE REQUEST OF MR. SHELDON LISS OF THE ABOVE NAMED CORPORATION, WE ARE SUBMITTING THE FOLLOWING INFORMATION PERTAINING SOLELY TO ITS NEWBURGH BRANCH.

The records of the corporation for the fiscal year ended June 30, 1972 indicate that the sales for the year consisted of 68.12% wholesale and commercial and 31.88% retail.

VERY TRULY YOURS,

JUDELSON, ROSEN & SOMMERSTEIN

CERTIFIED PUBLIC ACCOUNTANT

MS:LM

CC: MR. SHELDON LISS
MR. JOEL SHAW

JUDELSON, ROSEN & SOMMERSTEIN

CERTIFIED PUBLIC ACCOUNTANTS

MIDDLETOWN SAVINGS SANK BUILDING

4 SOUTH STREET - MIDDLETOWN, N Y 10940

vack judelson, c. f a. Murray M. Rosen, c f a. Max-sommerstein, c f a

PHONE (914) 342-1046

JULY 26, 1972

MR. FRED WYGANT, JR., CHAIRMAN TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS FORGE HILL ROAD NEW WINDSOR, NEW YORK 12550

RE: AL'S TIRE SERVICE OF MIDDLETOWN, INC.

GENTLEMEN:

WE ARE WRITING THIS AT THE REQUEST OF MR. IRWIN LISS OF THE ABOVE NAMED CORPORATION.

The records of the corporation for the fiscal year ended June 30, 1972 indicate that the corporation sales for the year consisted of 65.38% wholesale and commercial and 34.62% retail.

VERY TRULY YOURS,

JUDELSON, ROSEN & SOMMERSTEIN

CERTIFIED PUBLIC ACCOUNTANT

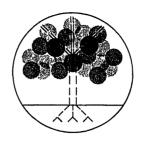
MS:LM

cc: Mr. IRWIN LISS Mr. JOEL SHAW

Department

Planning

Peter Garrison, AIP, Commissioner Edwin J Garling, AIP, Deputy Commissioner



The County Building Goshen, New York 10924 (914) 294-5151

July 21, 1972

County

Orange

Louis V Mills, County Executive

Mr. Fred Wygant, Jr., Chairman Town of New Windsor Zoning Board of Appeals Forge Hill Road New Windsor, New York 12550

> RE: Use Variance - Al's Tire Service County Road 59

Dear Mr. Wygant:

Awhile ago we reviewed and denied our approval on the above application to build and operate a tire service facility in the Windsor Industrial Park. We felt at that time that the use would be primarily of a retailing nature and, as such, did not belong in an industrial park.

However, in a conversation and meeting with the applicant in our office, it was revealed to us that the operation was not limited to retailing but included tire recapping and wholesale distribution and servicing of truck tires. The latter, of which, was claimed to be the major component of his business and since there is a substantial amount of trucking in the area, the use does not seem to be objectionable and unreasonable. The commercial tone of the building, however, would still require some modification if it was to become a part of the industrial park.

According to the applicant, your Board is considering a second appeal in view of these new facts. We would require some correspondence from you indicating this to be the case so that we can take official action on the renewed request. We would not be opposed to such a use provided that applicant can substantiate these facts and submit to us a revised site plan, and providing that the commercial aspect is in an accessory or auxiliary role.

Very truly yours,

Joel Shaw Senior Planner

JS/bd cc: I. Liss STATE OF NEW YORK)
) ss
COUNTY OF ORANGE)

Doris B. Ovens, being duly sworn, deposes and says that she is secretary to the attorney for the above named petitioner herein. That on the 31st Day of August, 1972, he served the within notice of public hearing before the Zoning Board of Appeals of the Town of New Windsor, Orange County, New York, upon the following named persons at the addresses set forth after their names:

Mr. and Mrs. Charles Smith

Messrs. Warren Sloan and
William Sloan
Ellwhy Realty Corporation
Crowley Milk Company, Inc.

The Coca Cola Bottling Co. of New York Ms. Ethel A. Sloan

Mr. Thomas Palumbo Mr. Thomas J. Palumbo Town of New Windsor Helmes Hill Road, Washingtonville, New York 10992

Temple Hill Road, R. D. #2, New Windsor, New York 12550

78 Bridge Street, Newburgh, New York 12550 145 Conklin Avenue, Binghamton, New York 13902

425 East 34th Street, New York, New York 10000

Temple Hill Road, R. D. #2, New Windsor, New York 12550

Susan Drive, Newburgh, New York 12550 Susan Drive, Newburgh, New York 12550 555 Union Avenue, New Windsor, New York 12550

by depositing a true copy of the same securely enclosed in a postpaid wrapper, by certified mail with return receipt requested, in the Post Office regularly maintained by the United States Government at Middletown, New York, in said County of Orange.

Deponent is over the age of 21 years.

DORIS B. OVENS

Sworn to before me this 31st

day of August, 1972

Notary Public

JEROME MARKOVITS

Notary Public in the State of New York

Orange County
Commission Expires March 36, 19 2

JEROME MARKOVITS

Counselor at Law

15 KING STREET Middletown, New York 10940 Tel (914) 342-3945

August 30, 1972

Re: Application of Liss for Variance

Please be advised that a public hearing will be held before the Zoning Board of Appeals, Town of New Windsor, for variance of the regulations of the Zoning Ordinance to permit building and operating a tire service facility at the intersection of Temple Hill Road and Hempstead Street in the Town of New Windsor, County of Orange and State of New York, on the 12th day of September, 1972, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, at 8:00 P.M.

You are hereby invited to attend said meeting to express your opinion either in favor of or in opposition to this application being made on behalf of Messrs. Irwin Liss and Sheldon C. Liss.

Very truly yours,

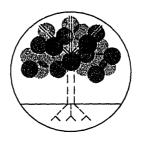
JEROME MARKOVITS

JM:dbo

Department of

Planning

Peter Garrison, AIP, Commissioner Edwin J Garling, AIP, Deputy Commissioner



The County Building Goshen, New York 10924 (914) 294-5151 County Orange

Louis V Mills, County Executive

September 11, 1972

Mr. Fred Wygant, Jr., Chairman Town of New Windsor Zoning Board of Appeals Forge Hill Road New Windsor, New York 12550

RE: Use Variance - Al's Tire Service
County Road 59 (Temple Hill Road)

Dear Mr. Wygant:

We are in receipt of the renewed request for a variance to build and operate a tire sales and service facility in the Windsor Industrial Park. Our review has been made in accordance with the provisions of Sections 239 L and M of the General Municipal Law.

As we stated in our letters of July 5, 1972 and July 21, 1972, we would support the use if the commercial aspect of the proposal was in an accessory or auxiliary role. The application now pending before your Board stresses the wholesale-industrial nature of the business rather than the commercial-retailing component of the operation, indicates that tire services are provided for industrial complexes in the area, and states that the use and the building would be compatible with the other adjoining industrial operations since the business is somewhat industrial in nature.

If this is the case, a site plan and rendering should be submitted enhancing the wholesale-industrial component and de-emphasizing the commercial aspect. Such a scheme should include some modifications (when compared to the original submission) in order to "fit" into the park. At this point, we think that your Board should be in a position to evaluate the proposal and make a final determination in this regard.

Very truly yours

Peter Garrison

Commissioner Of Planning

Reviewed by:

Joel Shaw Senior Planner

JS/bd

cc: Jerome Markovits

William Price, Sr., O.C.D.P.W.

FROM

OFFICE OF THE SUPERVISOR THEODORE F. MARSDEN

Town Of New Windsor

555 Union Avenue New Windsor, New York 12550

Phone 565-8800

DATE

SUBJECT

September 8, 1972

TO

Town of New Windsor Zoning Board of Appeals

FOLD

Gentlemen:

The Town of New Windsor, being property owners within five hundred feet of the intersection of Hempstead Road and Temple Hill Road, passed the following resolution:

The Town Board wishes to go on record as opposing a zoning variance allowing for an LB use within this GI zoned district.

Respectfully,

THEODORE F. MARSDEN, Supervisor

TFM/cs

4

7 Franklin Avenue New Windsor, N. Y. September 2, 1972

Jeseph C. Tallarico, Chairman New Windsor Planning Board 555 Union Avenue New Windsor, N. Y. 12550

RE: APPLICATION #72-17
IRWIN & SHELDON LISS
AL'S TIRE SERVICE

Dear Mr. Tallarico:

Enclosed please find copy of the above application for a variance of Al's Tire Service. Also enclosed please find public hearing notice which was published in The Evening News on September 2, 1972.

Please be advised that the above public hearing is scheduled for Tuesday evening, September 12th, 1972 at 8 p.m. at the Town Hall.

Yours truly,

PATRICIA DELIO, Secretary

/pd Encs.

cc: Howard Collett, Bldg. Inspector Theodore F. Marsden, Supervisor 555 Unon Avenue New Windsor, N. Y. 12550

JEROME MARKOVITS

Counselorat Law

15 KING STREET Middletown, New York 10940 TEL (914) 342-3945

August 9, 1972

New Windsor Zoning Board of Appeals c/o Particia Delio, Secretary 7 Franklin Avenue New Windsor, New York 12550

Re: Application of Irwin Liss and Sheldon C. Liss

Gentlemen:

Please be advised that Messrs. Irwin Liss and Sheldon C. Liss have requested that hearing of their new appeal take place during your first meeting for September. I would appreciate it if you would advise me of the date of such meeting so that I may complete my papers in time for proper publication for service of notice.

ery truly yours

JEROME MARKOVITS

JM:cir

poledialed 1/2/2.

ZONING BOARD OF APPEALS Town of New Windsor, New York 12550

7 Franklin Avenue New Windsor, N. Y. August 28, 1972

Jerome Markovits, Esq. 15 King Street Middletown, N. Y. 10940

RE: APPLICATION FOR VARIANCE AL'S TIRE SERVICE - L1ss

Dear Mr. Markovits:

The above public hearing is scheduled for Tuesday, September 12, 1972 at 8 p.m.

Kindly return applications and all the necessary papers, including public hearing notice as soon as possible so that publication may be made 10 days prior to the hearing date.

Thank you.

Very truly yours,

PATRICIA DELIO, Secretary

/pd

OFFICE OF THE ASSESSOR

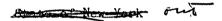
TOWN OF NEW WINDSOI

Chairman Ellsworth E Weyant 555 Union Avenue New Windsor, New York 12550 ... (914) 505-8808



Yanko Property

Charles & Ethel R. Smith Helmes Hill Road Washingtonville, New York



Warren & William Sloan Temple Hill Road RD#2 New Windsor, New York 12550

Ellwhy Realty Corporation 78 Bridge Street Newburgh, New York 12550

Crowley Milk Company, Inc. 145 Conklin Avenue Binghamton, New York

The Coca Cola Bottling Co. of New York 425 East 34th Street New York New York

Ethel A. Sloan Temple Hill Road RD#2 New Windsor, New York 12550

Thomas Palumbo Susan Drive Newburgh, New York 12550

Thomas J. Palumbo Susan Drive Newburgh, New York 12550

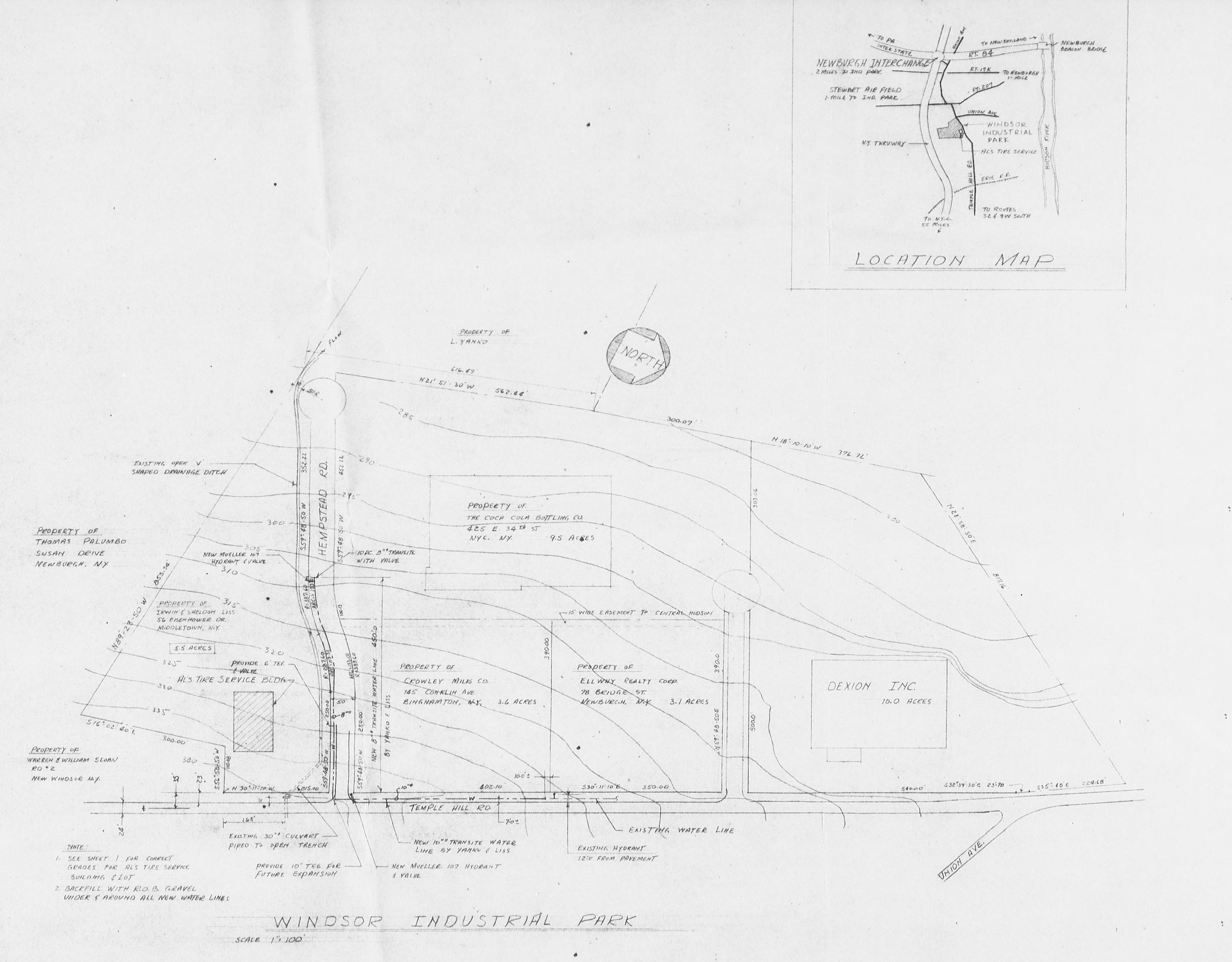
Town of New Windsor 555 Union Avenue New windsor, New York 12550

Respectfully submitted,

ELLSWORTH E. WEYANT Sole Assessor

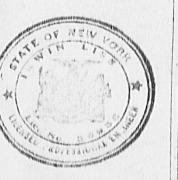
Town of New Windsor

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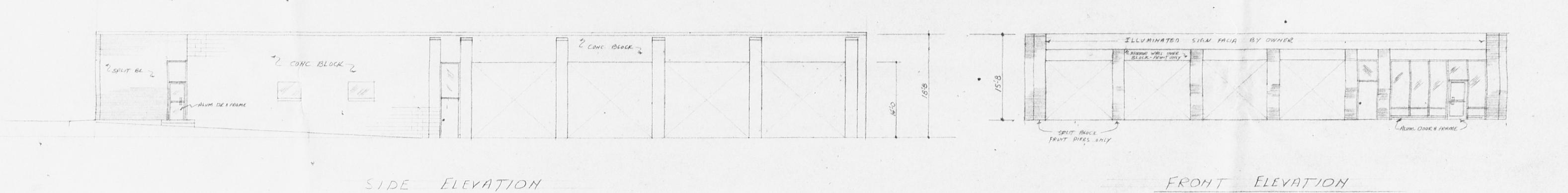
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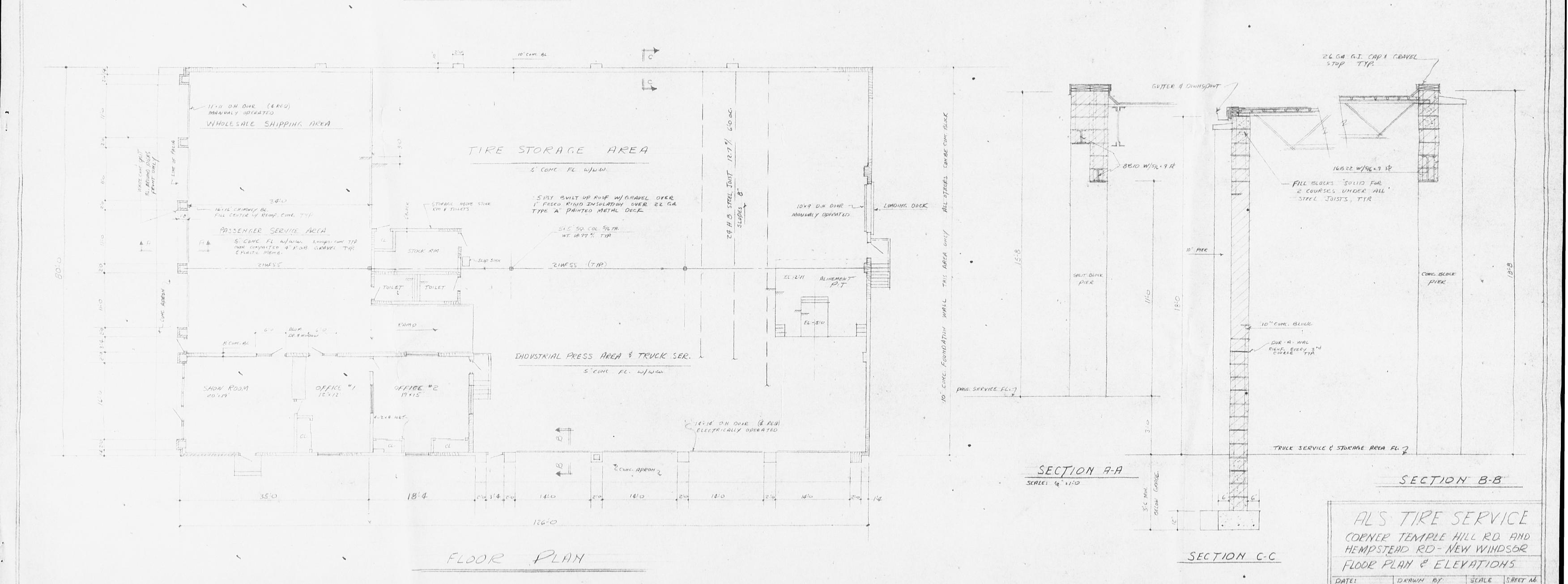
G. I. ZONING DISTRICT VARIANCE RETAIL USE AREA OF LOT 5.5 ACRES - 239,580 SP.FT PRESENT LOT AREA TO BE USED 80,000 SO.FT 10,000 SQ.FT PROPOSED BUILDING AREA APPROX. MACADAM PAVE MENT 44,000t SOFT SIDE YARD 17 FT. REQ. 15 FRONT YARD 90 FT " 50 REAR YARD 134 FT 11 20 LOT WIDTH 215 FT. 150 LOT DEDTH " 150 350 FT. TOTAL WIDTH BOTH SIDE YARDS 129 FT PROPOSED USE OF BLOG. WHOLESALE-IHOUSTRIAL-COMERCIAL-RETAIL HOURS TO BE OPENED 8 AM TO 5:30 PM MON. TO SAT. PARKING FURNISHED 25 CARS INSIDE PARKING OR SERVICE STALLS 8 CARS. TOTAL PARKING 33 CARS 33 CARS PARKING REQUIRED 10,000 + 300 & SPOT LIGHT ON BLOG. - 2 FT. CANDLES, 40:0 FIELD OF ILLVMINATION - EXISTING UTILITY POLE POLE SIGN TO BE 2- FACED - 20 SQ. FT. EACH FACE BLDG. 516N - 192 SQ. FT. MAX.



AL'S TIRE SERVICE CORNER TEMPLE HILL RD AND HEMPSTEAD RD. - NEW WINDSOR SITE PLAN & TOPO. MAP DRAWN BY SCALE: SHEET No. DATE!

IRWIN LISS P.E. 1'=100 3 . F 3





B-24-72 IRWIN LISS P.E. 18:10 2 0F3

